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**BOARD OF SUPERVISORS
ACTION ITEM**

SUBJECT: TRANSPORTATION AND LAND USE COMMITTEE REPORT:

ZOAM-2009-0002 ZONING ORDINANCE AMENDMENT TO RESTRICT THE PARKING OF VEHICLES ON UNPAVED SURFACES AND LIMIT PAVED PARKING SURFACE AREAS WITHIN YARDS IN CERTAIN RESIDENTIAL AND PLANNED DEVELOPMENT HOUSING ZONING DISTRICTS

ELECTION DISTRICT: COUNTYWIDE

CRITICAL ACTION DATE: AT THE PLEASURE OF THE BOARD

**STAFF CONTACTS: MARK STULTZ, DEPUTY ZONING ADMINISTRATOR
RORY TOTH, PLANNER**

RECOMMENDATIONS:

Transportation and Land Use Committee (TLUC): At its January 25, 2010 meeting, the TLUC voted 5-0 to forward ZOAM-2009-0002 to the Board of Supervisors with a recommendation of approval, to amend Section 5-800 of the Revised 1993 Loudoun County Zoning Ordinance regarding the parking of vehicles on unpaved surfaces in yards and limiting the area of paved parking surfaces within front and rear yards in certain zoning districts, including the revisions recommended by the TLUC, as contained in Attachment 3.

Planning Commission: At its October 22, 2009 Work Session, the Planning Commission voted 9-0 to (i) forward ZOAM-2009-0002 to the Board of Supervisors with a recommendation of approval based on the proposed text dated September 17, 2009, from the Planning Commission public hearing, as amended by the Planning Commission at the October 8, 2009, Planning Commission work session (Attachment 1); and (ii) forward a list of Additional Recommendations and Issues dated October 15, 2009, to the Board of Supervisors for their consideration (Attachment 2).

Staff: Staff concurs with the TLUC recommendation.

BACKGROUND:

At its July 21, 2009, Business Meeting, the Board of Supervisors ("Board") adopted a Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance ("Zoning Ordinance") and Facilities Standards Manual ("FSM"), as necessary, in order to implement new regulations to restrict the practice of parking of vehicles on unpaved surfaces in yards and to limit paved parking areas within yards to a percentage of the total yard area in Suburban Residential and Planned Development-Housing Zoning Districts. The proposed Amendment would apply to

single family detached dwellings on lots in the R-1, R-2, R-3, R-4 and R-8 Residential zoning districts and the portions of the Planned Development-Housing (PD-H) zoning district that are administered as an R-1, R-2, R-3, R-4 or R-8 zoning district. The proposed amendment would incorporate the new regulations into Section 5-800 of the Zoning Ordinance, Limitations on Vehicles in Residential Districts.

The Planning Commission held a public hearing for ZOAM-2009-0002 on September 17, 2009, where only two members of the public spoke about the proposed amendment (both in favor), and held work sessions on October 8 and October 22, 2009, to further discuss the proposed amendment. At its work session on October 22, the Planning Commission voted 9-0 to forward ZOAM-2009-0002 to the Board with a recommendation of approval based on the proposed text dated September 17, 2009, from the Planning Commission public hearing, as amended by the Planning Commission at its October 8, 2009 work session (Attachment 1), and to forward the list of Additional Recommendations and Issues dated October 15, 2009, to the Board for its consideration (Attachment 2).

On December 7, 2009, the Board held a public hearing regarding ZOAM-2009-0002. Only one member of the public spoke at the hearing and stated that she supported the proposed amendment to reduce parking and paving in the front yard, but was concerned that the proposed text would not limit the amount of paving permitted in the rear yard.

Also at the Board's public hearing, Supervisor Delgaudio submitted a petition, entitled "No Cars Parked on Lawns," signed by 1041 citizens for inclusion in the public record. The petition included the signatures of those who support a comprehensive and enforceable ordinance to restrict vehicles from parking on lawns and prohibit individuals from turning yards into parking lots in Eastern Loudoun County.

At the conclusion of the Board's public hearing, the Board voted 9-0 to forward ZOAM-2009-0002 to the TLUC for further discussion on the issue of whether the amendment should include a regulation to limit the amount of paved parking surface permitted in the rear and/or side yards.

At the January 25, 2010 TLUC Meeting, the TLUC voted 5-0 to send ZOAM-2009-0002 to the Board with a recommendation of approval, including the revisions recommended by the TLUC (Attachment 3). Such revisions include: 1) adding a requirement that the maximum amount of paved parking surface shall not exceed 25% of the rear yard; and 2) revising the definition of "paved parking surface" to state that a fully enclosed garage shall not be considered a paved parking surface.

ISSUE:

Planning Commission Concerns/Recommendations: The October 15, 2009 Planning Commission letter to the Board (Attachment 2) identified two Items for the Board to consider. Item 1 proposes a minimum setback from side yards for paving and Item 2 proposes the requirement of a paving permit for driveways. Should the Board wish to move forward with addressing Items 1 and 2, in the October 15, 2009 Planning Commission letter to the Board, a revised intent to amend and new public notice would be necessary. Additionally, the Planning Commission recommended an education and outreach program

to explain to homeowners how the new regulations are to be administered and enforced. Staff is prepared to move forward should the Board direct Staff to develop such a program.

FISCAL IMPACT:

The cost of proceeding with this item is included in current staff workloads and will have no additional fiscal impacts on the Department of Building and Development's budget. It is noted that any fines associated with violations of the proposed Zoning Ordinance regulations are meant to be punitive and encourage compliance, rather than act as a revenue source.

ALTERNATIVES: The Board of Supervisors may opt to:

- 1) Approve ZOAM-2009-0002 to restrict the parking of vehicles on unpaved surfaces in yards and to limit paved parking surfaces in front and rear yards to a percentage of the total yard area in Suburban Residential and Planned Development-Housing Zoning Districts; or
- 2) Deny ZOAM-2009-0002; or
- 3) Forward ZOAM-2009-0002 back to the TLUC for further discussion.

DRAFT MOTIONS:

1. I move that the Board of Supervisors approve ZOAM 2009-0002, to amend Section 5-800 of the Revised 1993 Loudoun County Zoning Ordinance to restrict the parking of vehicles on unpaved surfaces in yards and to limit paved parking surfaces in front and rear yards to a percentage of the total yard area in certain zoning districts, as contained in Attachment 3, Pages A3-1 through A3-2. I further move that the Board of Supervisors find that this Amendment is required by the public necessity, convenience, general welfare and good zoning practice.

OR

2. I move an alternative motion.

ATTACHMENTS:

1. Recommended Text for Section 5-800, Limitations on Vehicles in Residential Districts dated October 8, 2009 (Planning Commission Draft)
2. October 15, 2009 Planning Commission Recommendation Letter to Board
3. Recommended Text for Section 5-800, Limitations on Vehicles in Residential Districts dated December 18, 2009 (TLUC Draft)

2 **Section 5-800 Limitations on Vehicles in Residential Districts.**

3 (A) **Major Recreational Equipment.** No major recreational equipment or
4 any container constructed for the transportation or storage of such
5 equipment shall be parked or stored on any road, lot, or dedicated open
6 space in a residential district except in a car port or enclosed building or
7 behind the nearest portion of a building to a street, provided, however,
8 that such equipment may be parked anywhere on residential premises for
9 a period not to exceed 24 hours. No such equipment shall be used for
10 living, sleeping, or housekeeping purposes.

11 (B) **Commercial Vehicles.** The parking or storage of a commercial vehicle,
12 or a container constructed for the transportation of cargo is prohibited in
13 all residential districts, except that one (1) commercial vehicle with a
14 manufacturer's rating of less than 1-1/2 tons may be parked on any lot on
15 which there is located a principal building, provided that such vehicle is
16 parked in an enclosed garage, accessory building, approved off-street
17 parking area or behind the nearest portion of buildings to streets and is
18 used by a resident of the premises. This regulation shall not be
19 interpreted to prohibit commercial vehicles or containers from loading
20 and unloading in any residential district.

21 (C) **Inoperable Vehicles.**

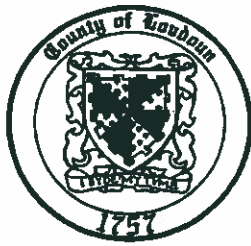
22 (1) No repair, maintenance or restoration of motor vehicles is
23 permitted on any residential lot or common area serving such lot
24 located within any urban residential zoning district, as defined in
25 Article 3 of this Ordinance, unless the vehicle is owned by and
26 registered in the name of an occupant of the dwelling constituting
27 the principal use for such lot.

28 (2) No inoperable vehicle shall be parked or stored outside a building
29 for more than one (1) week on a lot of less than ten (10) acres in
30 area in any residential district. Not more than one (1) inoperable
31 vehicle may be parked outdoors at a time on any lot greater than
32 ten (10) acres in area in any residential district. Any vehicle not
33 displaying current license plates and inspection validation
34 certificate as required by Virginia law shall be construed as an
35 inoperable vehicle. Not more than one (1) inoperable item of
36 major recreational equipment shall be parked outdoors on any lot
37 of less than ten (10) acres in area in any residential district.

38 **(D) Limitations on Parking and Paved Parking Surfaces Within**
39 **Residential Yards.**

40 **The following requirements shall apply to single family detached dwellings**
41 **on lots in the R-1, R-2, R-3, R-4, and R-8 Zoning Districts and the**
42 **portions of PD-H Zoning Districts that are administered as the R-1, R-2,**
43 **R-3, R-4, and R-8 Zoning Districts.**

- (1) All parking for vehicles in any yard shall be on a paved parking surface, provided, however, that this shall not be deemed to preclude temporary parking on an unpaved surface in a yard for active loading and unloading.
- (2) The maximum amount of paved parking surface in a front yard shall not exceed twenty-five (25) percent of the front yard area in the R-1 and R-2 Zoning Districts; thirty (30) percent of the front yard area in the R-3 and R-4 Zoning Districts; and forty (40) percent of the front yard area in the R-8 Zoning District. These limitations may be exceeded for a paved surface that is:
- (a) Directly contiguous with, and providing primary access to, two (2) side-by-side parking spaces as long as the dimensions of the paved surface access area are not more than twenty-five (25) feet long and eighteen (18) feet wide; or
- (b) Located on a lot which has its primary access from a collector or arterial road, and comprises two (2) side-by-side parking spaces and a vehicular turn-around area, as long as the dimensions of the paved surface area are not more than twenty-five (25) feet long and eighteen (18) feet wide, and the area of the turn-around does not exceed 162 square feet; or
- (c) A driveway on a pipestem lot.
- (3) For the purposes of this Section, "paved parking surface" shall mean the area of a lot that is used for the parking of vehicles, inclusive of the driveway for accessing such parking, that is surfaced with asphalt, poured or precast concrete, brick, stone, gravel, or any other impervious surface, or grasscrete or other similar pervious surface.
- (4) The Zoning Administrator may modify the requirements of Section 5-800(D) if an applicant can demonstrate that the requirements of this Section cannot be met, while meeting the amount of parking required by Section 5-1100, because of (a) the exceptional size and/or shape of the lot; (b) environmental or engineering constraints on the lot; (c) special accessibility needs; or (d) other extraordinary situations or conditions of the lot. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this Section.



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LOUDOUN COUNTY PLANNING COMMISSION

Peggy Maio Chairman, Blue Ridge Sandra Chaloux Dulles	Robert J. Klancher Vice-Chairman, Broad Run Gigi Robinson Leesburg	Kevin Ruedisueli At Large Chris Brodrick Potomac	Erin Austin Catocin Helena Syska Sterling	Glen Bayless Sugarland Run
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October 15, 2009

Chairman Scott York and the
Loudoun County Board of Supervisors
1 Harrison Street, 5th Floor
Leesburg, Virginia 20177

RE: ZOAM-2009-0002 Zoning Ordinance Amendment to Restrict the Parking of Vehicles on Unpaved Surfaces and Limit Paved Parking Surface Areas Within Yards in Certain Residential and Planned Development Housing Zoning Districts

Dear Chairman York and Board Members:

By this letter the Planning Commission recommends that the Board of Supervisors consider the following issues and recommendations raised during the October 8, 2009 Planning Commission Work Session on ZOAM-2009-0002.

PLANNING COMMISSION ISSUES

At the October 8, 2009 Planning Commission work session, Commissioners raised concerns regarding several issues that fall outside the scope of the Board's Intent to Amend. The Planning Commission does not wish to delay the current amendment but recommends that the Board of Supervisors consider these changes with a separate Ordinance amendment in the future.

- 1) The draft text does not include a minimum setback from side yards for paving, which could allow one the ability to pave a driveway up to the property line, resulting in paving that mistakenly crosses the property line and further increases runoff.
- 2) The draft text does not require a paving permit for driveways, allowing staff to proactively identify paving that exceeds the proposed limits and crosses property lines and instituting a revenue stream to help defer the cost of inspections.

PLANNING COMMISSION'S ADDITIONAL RECOMMENDATIONS

The Commission also recommends that the Board adopt an outreach and education program to explain to homeowners how the new regulations are to be administered and enforced.

October 15, 2009
Chairman Scott York and the
Loudoun County Board of Supervisors
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The Planning Commission encourages the Board to consider these issues and recommendations and is prepared to offer any assistance the Board may wish.

Respectfully submitted,

A handwritten signature in blue ink that reads "Peggy Maio". The signature is written in a cursive style.

Peggy Maio, Chairman
Loudoun County Planning Commission

cc. Loudoun County Planning Commission
Julie Pastor, Director of Planning

A2-2

2 **Section 5-800 Limitations on Vehicles in Residential Districts.**

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4 any container constructed for the transportation or storage of such
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7 behind the nearest portion of a building to a street, provided, however,
8 that such equipment may be parked anywhere on residential premises for
9 a period not to exceed 24 hours. No such equipment shall be used for
10 living, sleeping, or housekeeping purposes.

11 (B) **Commercial Vehicles.** The parking or storage of a commercial vehicle,
12 or a container constructed for the transportation of cargo is prohibited in
13 all residential districts, except that one (1) commercial vehicle with a
14 manufacturer's rating of less than 1-1/2 tons may be parked on any lot on
15 which there is located a principal building, provided that such vehicle is
16 parked in an enclosed garage, accessory building, approved off-street
17 parking area or behind the nearest portion of buildings to streets and is
18 used by a resident of the premises. This regulation shall not be
19 interpreted to prohibit commercial vehicles or containers from loading
20 and unloading in any residential district.

21 (C) **Inoperable Vehicles.**

22 (1) No repair, maintenance or restoration of motor vehicles is
23 permitted on any residential lot or common area serving such lot
24 located within any urban residential zoning district, as defined in
25 Article 3 of this Ordinance, unless the vehicle is owned by and
26 registered in the name of an occupant of the dwelling constituting
27 the principal use for such lot.

28 (2) No inoperable vehicle shall be parked or stored outside a building
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- (5) The Zoning Administrator may modify the requirements of Section 5-800(D) if an applicant can demonstrate that the requirements of this Section cannot be met, while meeting the amount of parking required by Section 5-1100, because of (a) the exceptional size and/or shape of the lot; (b) environmental or engineering constraints on the lot; (c) special accessibility needs; or (d) other extraordinary situations or conditions of the lot. The Zoning Administrator may attach conditions to any modification to ensure that the results of the modification will be in accordance with the purpose and intent of this Section.